

RESOLUTION AFFIRMING SUPPORT FOR CONSTITUTIONALLY GUARANTEED
RIGHTS AND LIBERTIES THREATENED BY THE U.S. PATRIOT ACT, THE
HOMELAND SECURITY ACT AND SPECIFIC EXECUTIVE ORDERS AND RULINGS

Whereas, the County of Marin recognizes the increased security risks faced by our nation as a result of terrorist acts; and

Whereas, the County of Marin supports increased Federal government attention to limit and prevent the impacts of terrorism on this nation and the world; and

Whereas, the County of Marin is governed by the Constitution of the United States and affirms the United States Constitution as the foundation of our Democracy; and

Whereas, the first ten amendments to the Constitution were jointly ratified in what is known as the Bill of Rights in order to protect citizens from the potential of government to abuse the rights and liberties of our citizens; and

Whereas, every member of the Marin County Board of Supervisors swore an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; and

Whereas, the County of Marin understands that the security of our nation must be achieved in ways that also insure the protection of civil rights and liberties enshrined within the Constitution of the United States; and

Whereas, when the Marin County Board of Supervisors perceives threats against the protection of those rights for its residents and its workforce, it is the Board's Constitutional duty to actively work against that result; and

Whereas, the County of Marin is proud to be the home of a diverse racial and ethnic population, including citizens of other nations, whose contributions to our community are vital to its character and functioning, and

Whereas, information provided to the Marin County Board of Supervisors by members of the informed citizenry of this County, along with the work of prominent legal organizations, has caused the Board to believe that portions of the USA Patriot Act, as well as portions of the Homeland Security Act, along with certain Presidential executive orders and rulings of the United States Attorney General, comprise an assault upon the Constitutional rights of the residents of Marin County and its workforce; and

Whereas, Constitutional guarantees believed to have been weakened by the legislative and executive actions of the federal government cited above include:

- Freedom of speech, assembly, association, and privacy
- Protection from unreasonable searches and seizures
- Equality before the law with the presumption of innocence until proven guilty
- Access to legal counsel and due process in judicial proceedings
- Protection from discrimination based on race, religion, gender, national origin; and

Whereas, the cited legislative and executive actions of the federal government directly impact the work of County employees who may be put into positions of constitutional jeopardy without adequate understanding or training as to their rights;

NOW THEREFORE BE IT RESOLVED THAT:

The Marin County Board of Supervisors affirms its strong support for constitutionally guaranteed rights and liberties and affirms its opposition to any and all federal measures which would weaken or violate those rights and liberties; and

The Marin County Board of Supervisors directs its Administrator and County Counsel to work collaboratively with others within County Government and with those other local jurisdictions that wish to participate in specific review of the cited legislative and executive actions so as to be able to provide to the Board no later than August 19, 2003 a report regarding the rights and obligations of County employees and residents in relation to federal requirements which may violate their constitutionally guaranteed rights; and

The Marin County Board of Supervisors directs its Administrator and County Counsel to include in their report a discussion of means by which federal investigations associated with the cited legislative and executive actions that occur within Marin County and which may violate constitutionally guaranteed rights may be reported to the Board of Supervisors; and

The Marin County Board of Supervisors shall communicate in writing to President Bush, Senators Feinstein and Boxer, and Representative Woolsey its desire that they work to repeal those portions of the cited legislation that violate the fundamental rights and liberties embodied in the United States Constitution and the Bill of Rights; and

The Marin County Board of Supervisors shall communicate in writing to Senators Feinstein and Boxer, and Representative Woolsey its desire that they notify the County of pending or future legislation which may also infringe upon those same rights and liberties; and

The Marin County Board of Supervisors directs its County Counsel to monitor legal challenges which may be undertaken to ascertain the constitutionality of the cited legislation and to provide the Board with a recommendation as to whether to participate in amicus briefs or other acts of support should such challenges take place.